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10/815,615	04/02/2004	Kia Silverbrook	HYG011US	9399

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AUSTRALIA

EXAMINER
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HAUPT, KRISTY A

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/815,615	SILVERBROOK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kristy A. Haupt	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on Amendment dated 19 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-19 and 21-39 is/are rejected.
- 7) ☐ Claim(s) 5 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4, 6-8, 10-19 and 21-39 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 6-8, 10, 16-17, 21-23, 28-30, 32, 35 and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloane US 5,918,211.

Sloane teaches:

With respect to claim 1, a method of facilitating between a user and a computer system using a product item having an interface surface, the interface surface having disposed thereon or therein coded data including a plurality of coded data portions, each coded data portion being indicative of an identity of the product item, the interaction being mediated by a sensing device, wherein the method includes:

- (a) Associating the sensing device with the user (Column 3, Lines 5-11 teaches the scanner station indicating to the consumer which scanner to take after the consumer scans his identification card,

therefore the sensing device (scanner) is associated with a particular user)

- (b) In the sensing device
  - (i) sensing at least one coded data portion when the sensing device is placed in an operative position relative to the interface surface (Column 3, Lines 12-15)
  - (ii) transferring the indicating data to a computer system (Column 7, Lines 48-52)
- (c) In the computer system
  - (i) receiving the indicating data (Column 7, Line 65 – Column 8, Line 2)
  - (ii) generating, using the indicating data
    - product identity data indicative of the identity of the product item (Column 7, Line 65 – Column 8, Line 2)
    - sensing device identity data indicative of the identity of the sensing device (Column 9, Lines 38-40 teach the scanning device is in constant communication with the computer/controller and the user's scanning is monitored (Column 9, Lines 40-43))
- (d) Disassociating the sensing device and the user (Column 3, Lines 49-52 teaches the scanner is placed back to the scanner center, therefore the scanner disassociates itself from the current

user so that another user can be associated with it after they scan their identification card)

With respect to claim 3 and incorporating all limitations of claim 1, wherein the method includes, in the computer system:

- (a) receiving indicating data from the sensing device (Column 7, Line 65 – Column 8, Line 2)
- (b) generating, using the received indicating data
  - (i) product identity data indicative of the identity of the product item (Column 7, Line 65 – Column 8, Line 2)
  - (ii) sensing device identity data indicative of the identity of the sensing device (Column 9, Lines 38-40 teach the scanning device is in constant communication with the computer/controller and the user's scanning is monitored (Column 9, Lines 40-43))
- (c) facilitating the interaction using the product identity data and the sensing device identity data (Column 7, Line 65 – Column 8, Line 7)

With respect to claim 6 and incorporating all limitations of claim 1, wherein the method includes, in the computer system:

- (a) receiving user identity data indicative of an identity of the user (Column 3, Lines 5-11)

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- (b) determining, using the indicating data, sensing device identity data indicative of the identity of the sensing device (Column 9, Lines 38-40 teach the scanning device is in constant communication with the computer/controller and the user's scanning is monitored (Column 9, Lines 40-43))
- (c) using the sensing device identity data and the user identity data to associate the sensing device with the user (Column 3, Lines 2-11)

With respect to claim 7 and incorporating all limitations of claim 1, wherein the user is provided with an identity card, the identity card having disposed thereon or therein coded data having a plurality of card coded data portions, each card coded data portion being indicative of an identity of the user, and wherein the method includes, in the sensing device:

- (a) sensing at least one card coded data portion when the sensing device is placed in an operative position relative to the identity card (Column 3, Lines 33-38)
- (b) generating, using the at least one sensed card coded data portion, indicating data indicative of the identity of the user and the identity of the sensing device (Column 3, Lines 33-38 and Lines 5-11)

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- (c) transferring the indicating data to the computer system, the computer system being responsive to the indicating data to associate the sensing device with the user (Column 3, Lines 33-38)

With respect to claim 8 and incorporating all limitations of claim 7:

- wherein the method includes providing the identity card to the user during an interaction process (Column 3, Lines 33-38 wherein providing a frequent shopper card to a customer requires the customer to interact with an employee to obtain the card)

With respect to claim 10 and incorporating all arguments of claim 1, wherein the method includes, in the computer system:

- (a) determining, using the received indicating data, product information (Column 7, Line 65 – Column 8, Line 2)
- (b) transferring the product information to the sensing device, the sensing device being responsive to the product information to display the product information to the user (Column 7, Line 65 – Column 8, Line 2 and Column 6, Lines 20-24)

With respect to claim 16 and incorporating all limitations of claim 1, wherein the method includes, in the sensing device:

- (a) selecting an interaction mode (Column 6, Lines 47-52 teaches the scanner selecting a scanning mode when trigger is depressed)

- (b) generating indicating data indicative of the selected interaction mode (Column 6, Lines 47-52)

With respect to claim 17, a method of facilitating interaction between a user and a computer system using a product item having an interface surface, the interface surface having disposed thereon or therein coded data including a plurality of coded data portions, each coded data portion being indicative of an identity of the product item, the interaction being performed by a sensing device, wherein the method includes:

- (a) associating the sensing device with the user (Column 3, Lines 5-11 teaches the scanner station indicating to the consumer which scanner to take after the consumer scans his identification card, therefore the sensing device (scanner) is associated with a particular user)
- (b) in a computer system:
  - (ii) generating, using the received indicating data:
    - . (1) product identity data indicative of the identity of the product item (Column 7, Line 65 – Column 8, Line 2)
  - (2) sensing device identity data indicative of an identity of the sensing device (Column 9, Lines 38-40 teach the scanning device is in constant communication with the computer/controller and the user's scanning is monitored (Column 9, Lines 40-43))



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- (c) facilitating the interaction using the product identity data and the sensing device identity data (Column 7, Line 65 – Column 8, Line 7)

With respect to claim 21 and incorporating all limitations of claim 17, wherein the method includes, in the computer system:

- (a) receiving user identity data indicative of an identity of the user (Column 3, Lines 5-11)
- (b) determining, using the indicating data, sensing device identity data indicative of the identity of the sensing device (Column 9, Lines 38-40 teach the scanning device is in constant communication with the computer/controller and the user's scanning is monitored (Column 9, Lines 40-43))
- (c) using the sensing device identity data and the user identity data to associate the sensing device with the user (Column 3, Lines 2-11)

With respect to claim 22 and incorporating all limitations of claim 17, wherein the user is provided with an identity card, the identity card having disposed thereon or therein coded data having a plurality of card coded:

- (a) receiving indicating data generated by the sensing device in response to sensing at least one card coded data portion (Column 3, Lines 33-38), the indicating data being indicative of an identity of

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the user and the identity of the sensing device (Column 3, Lines 33-38 and Lines 5-11)

- (b) generating, using the received indicating data, user data (Column 3, Lines 33-38 and Lines 5-11)
- (c) associating, using the user data, the user and the sensing device (Column 3, Lines 2-11)

With respect to claim 23 and incorporating all limitations of claim 17, wherein the method includes, in the computer system:

- (a) determining, using the received indicating data, product information (Column 7, Line 65 – Column 8, Line 2)
- (b) transferring the product information to the sensing device, the sensing device being responsive to the product information to display the product information to the user (Column 7, Line 65 – Column 8, Line 2 and Column 6, Lines 20-24)

With respect to claim 28 and incorporating all limitations of claims 1 and 17, wherein the sensing device includes a user interface for displaying information to the user, and wherein the display device includes at least one of:

- (a) a visual interface (Column 6, Lines 22-23)
- (b) an audio interface (Column 6, Lines 52-54)
- (c) a tactile interface

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With respect to claim 29 and incorporating all imitations of claims 1 and 17, wherein the interaction includes displaying information relating to any one of the product's:

- (a) cost (Column 6, Lines 22-23)
- (b) contents (Column 7, Lines 66-67)
- (c) weight
- (d) place of origin
- (e) manufacturer
- (f) date of manufacture
- (g) date of packaging
- (h) use-by date
- (i) current owner
- (j) dimensions

With respect to claim 30 and incorporating all limitations of claims 1 and 17, wherein the interaction includes at least one of:

- (a) providing product information about the product item to the user  
(Column 7, Line 65 – Column 8, Line 7)
- (b) recording a purchase transaction indicating that the user has purchased the product item
- (c) recording a potential purchase transaction indicating that the user wishes to purchase the product item (Column 6, Lines 20-39)

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- (d) providing comparison information to the user, the comparison information comparing product information about the product item with product information about another product item
- (e) playing a game associated with the product item
- (f) conducting a competition in relation to the product item

With respect to claim 32 and incorporating all limitations of claims 1 and 17:

- Wherein the coded data distinguishes the product item from every other product item (Column 6, Lines 44-47)

With respect to claim 35 and incorporating all limitations of claims 1 and 17:

- Wherein the coded data is substantially invisible to the unaided eye (Column 5, Lines 37-43 where if the card is a magnetic format a user cannot see if the bar magnets making up the magnetic format are polarized in a north or south direction, thereby encoding the card)

With respect to claim 37 and incorporating all limitations of claims 1 and 17, wherein the coded data is provided on the interface surface coincident with visible markings representing at least one of:

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- (a) product information ((Column 2, Lines 59-60 and Column 3, Lines 12-20) where it is inherent that a surface of the product will contain at least a product name)
- (b) the identity of the product item (Sloane teaches using a barcode scanner in a supermarket to read barcodes on items located in aisle shelves ((Column 2, Lines 59-60 and Column 3, Lines 12-20) where it is inherent that a surface of the product will contain at least a product name)
- (c) an interaction request

With respect to claim 38 and incorporating all limitations of claims 1 and 17, wherein the interface surface is at least a portion of at least one of:

- (a) product item packaging (Column 8, Lines 15-17)
- (b) product item labeling (Column 8, Lines 15-17)
- (c) product manuals
- (d) product instructions
- (e) a surface of the product item (Column 8, Lines 15-17)

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4, 19 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane US 5,918,211 in view of Dougherty WO 99/18487.

Sloane fails to teach:

With respect to claim 4:

- Wherein the method includes, in the computer system, using the indicating data, adding an indication of the product item to a product item list

With respect to claim 19:

- Wherein the method includes, in the computer system, adding an indication of the product item to a product item list using the indicating data

With respect to claim 39:

- (a) substantially all of any one of:
  - (i) an entire product surface
  - (ii) packaging
  - (iii) a product label
- (b) more than 25% of any one of:
  - (i) an entire product surface
  - (ii) packaging
  - (iii) a product label

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- (c) more than 50% of any one of:
  - (i) an entire product surface
  - (ii) packaging
  - (iii) a product label
- (d) more than 75% of any one of:
  - (i) an entire product surface
  - (ii) packaging
  - (iii) a product label

However, Dougherty teaches:

With respect to claim 4 and incorporating all limitations of claim 3:

- Wherein the method includes, in the computer system, using the indicating data, adding an indication of the product item to a product item list (Page 11, Lines 21-31 where doing inventory inherently means making a list of the items in stock)

With respect to claim 19 and incorporating all limitations of claim 17:

- Wherein the method includes, in the computer system, adding an indication of the product item to a product item list using the indicating data (Page 11, Lines 21-31 where doing inventory inherently means making a list of the items in stock)

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With respect to claim 39 and incorporating all arguments of claims 1 and 17, wherein the coded data is disposed over at least one of:

- (a) substantially all of any one of:
  - (i) an entire product surface (Page 10, Lines 1-4 teach encoding a globe)
  - (ii) packaging
  - (iii) a product label
- (b) more than 25% of any one of:
  - (i) an entire product surface (Page 10, Lines 1-4 teach encoding a globe)
  - (ii) packaging
  - (iii) a product label
- (c) more than 50% of any one of:
  - (i) an entire product surface (Page 10, Lines 1-4 teach encoding a globe)
  - (ii) packaging
  - (iii) a product label
- (d) more than 75% of any one of:
  - (i) an entire product surface (Page 10, Lines 1-4 teach encoding a globe)
  - (ii) packaging
  - (iii) a product label



Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Sloane to add an indication of a product to a product item list, as taught by Dougherty, to allow a user to do inventory (Page 11, Lines 29-31).

5. Claims 2, 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane US 5,918,211 in view of Ogasawara US 6,386,450 B1.

Sloane fails to teach:

With respect to claim 2:

- (a) the sensing device
- (b) the computer system

With respect to claim 9:

- (a) determining details of the user
- (b) defining, using the user details, card coded data indicative of the user's identity
- (c) printing the identity card in accordance with the determined card coded data

With respect to claim 18:

- (a) the sensing device
- (b) the computer system

However, Ogasawara teaches:

With respect to claim 2 and incorporating all limitations of claim 1, wherein the method includes performing at least one of associating and dissociating the sensing device and the user using at least one of:

- (a) the sensing device
- (b) the computer system (Column 10, Lines 42-46)

With respect to claim 9 and incorporating all limitations of claim 8, wherein the method includes:

- (a) determining details of the user (Column 10, Lines 47-59)
- (b) defining, using the user details, card coded data indicative of the user's identity (Column 10, Lines 30-65)
- (c) printing the identity card in accordance with the determined card coded data (Column 10, Lines 30-65 where it is obvious that if an identity card containing information about a user identity that can be scanned by a card reader is provided to a user then the card must have been printed in accordance with the determined card coded data)

With respect to claim 18 and incorporating all limitations of claim 17, wherein the method includes performing at least one of associating and dissociating the sensing device and the user using at least one of:

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- (a) the sensing device
- (b) the computer system (Column 10, Lines 42-46)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Sloane to associate the sensing device and the user in the computer system, as taught by Ogasawara, to maintain each individual customer's transactions separately (Column 10, Lines 30-35).

6. Claims 11, 13, 15 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane US 5,918,211 in view of Dymetman et al. US 2002/0020750 A1.

Sloane fails to teach:

With respect to claim 11:

- (a) a position of the sensed coded data
- (b) a position of the sensing device relative to the interface surface
- (c) an orientation of the sensed coded data
- (d) an orientation of the sensing device relative to the interface surface

With respect to claim 13:

- (a) sensing the coded data disposed within the at least one region
- (b) generating, using the sensed coded data, indicating data indicative of the region identity

With respect to claim 15:

- wherein the at least one region represents a user interactive element

With respect to claim 36:

- wherein the coded data is printed using infrared ink

However, Dymetman teaches:

With respect to claim 11 and incorporating all limitations of claim 1, wherein each coded data portion is indicative of a respective position and wherein the method includes, generating in the sensing device and using the sensed coded data portion, indicating data indicative of at least one of:

- (a) a position of the sensed coded data
- (b) a position of the sensing device relative to the interface surface  
(Page 6, Paragraph 0105)
- (c) an orientation of the sensed coded data
- (d) an orientation of the sensing device relative to the interface surface

With respect to claim 13 and incorporating all limitations of claim 1, wherein the interface surface includes at least one region, including coded

data indicative of an identity of the at least one region, and wherein the method includes, in the sensing device:

- (a) sensing the coded data disposed within the at least one region (Page 5, Paragraph 0077)
- (b) generating, using the sensed coded data, indicating data indicative of the region identity (Page 6, Paragraph 0105)

With respect to claim 15 and incorporating all limitations of claim 13:

- wherein the at least one region represents a user interactive element (Page 11, Paragraph 0177)

With respect to claim 36 and incorporating all limitations of claims 1 and 17:

- wherein the coded data is printed using infrared ink (Page 7, Paragraph 0113)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Sloane to generate in the sensing device a position of the sensing device relative to the interface surface, as taught by Dymetman, to identify an action that related to a page's digital counterpart (Abstract).

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7. Claims 12, 14 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane US 5,918,211 in view of Dymetman et al. US 2002/0020750 A1, as applied to claims 11 and 17 above, and further in view of Zimmerman, US 2002/0193975 A1.

Dymetman additionally teaches:

With respect to claim 26 and incorporating all limitations of claim 25:

- Wherein the at least one region represents a user interactive element (Page 11, Paragraph 0177)

With respect to claim Sloane as modified by Dymetman fails to teach:

With respect to claim 12:

- (a) receiving the indicating data
- (b) generating, using the received indicating data
  - (I) position data indicative of at least one of:
    - (1) the position of the sensed coded data
    - (2) the position of the sensing device relative to the interface surface
    - (3) the orientation of the sensed coded data
    - (4) the orientation of the sensing device relative to the interface surface
  - (ii) identity data indicative of the identity of the product item

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- (c) determining, using the identity data and the position data, an interaction
- (d) facilitating the determined interaction

With respect to claim 14:

- (a) receiving the indicating data
- (b) generating, using the received indicating data, region identity data indicative of the identity of the at least one region
- (c) determining, using the region identity data, an interaction
- (d) causing, using the interaction, provision of the assistance

With respect to claim 24:

- (a) receiving indicating data generated by the sensing device in response to sensing at least one coded data portion, the indicating data being indicative of at least one of:
  - (i) a position of the sensed coded data portion on the interface surface
  - (ii) a position of the sensing device relative to the interface surface
- (b) generating, using the received indicating data:

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- (i) position data indicative of at least one of:
  - (1) a position of the sensed coded data
  - (2) a position of the sensing device relative to the interface surface
  - (3) an orientation of the sensed coded data
  - (4) an orientation of the sensing device relative to the interface surface
- (ii) identity data indicative of the identity of the product item
- (c) determining, using the identity data and the position data, the interaction
- (d) facilitating the determined interaction

With respect to claim 25:

- (a) receiving indicating data generated by the sensing device in response to sensing at least one card coded data portion, the indicating data being indicative of the identity of the at least one region
- (b) generating, using the received indicating data, region identity data indicative of the identity of the at least one region
- (c) determining, using the region identity data, an interaction
- (d) causing, using the interaction, provision of the assistance



With respect to claim 27:

- (a) selecting an interaction mode
- (b) performing the interaction in accordance with the selected interaction mode

However, Zimmerman teaches:

With respect to claim 12 and incorporating all limitations of claim 11,

wherein the method includes, in the computer system:

- (a) receiving the indicating data (Page 9, Paragraph 0153)
- (b) generating, using the received indicating data
  - (i) position data indicative of at least one of:
    - (1) the position of the sensed coded data
    - (2) the position of the sensing device relative to the interface surface (Page 2, Paragraph 0021 and Page 4, Paragraph 0063)
    - (3) the orientation of the sensed coded data
    - (4) the orientation of the sensing device relative to the interface surface
  - (ii) identity data indicative of the identity of the product item (Page 2, Paragraph 0028)
- (c) determining, using the identity data and the position data, an interaction (Page 2, Paragraph 0021)

- (d) facilitating the determined interaction (Page 2, Paragraph 0021)

With respect to claim 14 and incorporating all limitations of claim 13,  
wherein the method includes, in the computer system:

- (a) receiving the indicating data (Page 9, Paragraph 0153)
- (b) generating, using the received indicating data, region identity data indicative of the identity of the at least one region (Page 3, Paragraph 0051 and Page 4, Paragraph 0064)
- (c) determining, using the region identity data, an interaction (Page 4, Paragraph 0064)
- (d) causing, using the interaction, provision of the assistance (Page 3, Paragraphs 0021-0023)

With respect to claim 24:

- (a) receiving indicating data generated by the sensing device in response to sensing at least one coded data portion, the indicating data being indicative of at least one of:
  - (i) a position of the sensed coded data portion on the interface surface
  - (ii) a position of the sensing device relative to the interface surface (Page 3, Paragraph 0051)
- (b) generating, using the received indicating data:
  - (i) position data indicative of at least one of:

- (1) a position of the sensed coded data
- (2) a position of the sensing device relative to the interface surface (Page 3, Paragraph 0051)
- (3) an orientation of the sensed coded data
- (4) an orientation of the sensing device relative to the interface surface
- (ii) identity data indicative of the identity of the product item (Page 2, Paragraph 0021)
- (c) determining, using the identity data and the position data, the interaction (Page 2, Paragraphs 0021-0022)
- (d) facilitating the determined interaction (Page 2, Paragraph 0022)

With respect to claim 25 and incorporating all limitations of claim 17, wherein the interface surface includes at least one region, including coded data indicative of an identity of the at least one region, and wherein the method includes in the computer system:

- (a) receiving indicating data generated by the sensing device in response to sensing at least one card coded data portion, the indicating data being indicative of the identity of the at least one region (Page 3, Paragraph 0051 and Page 9, Paragraph 0153)
- (b) generating, using the received indicating data, region identity data indicative of the identity of the at least one region (Page 3, Paragraph 0051 and Page 4, Paragraph 0064)

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- (c) determining, using the region identity data, an interaction (Page 4, Paragraph 0064)
- (d) causing, using the interaction, provision of the assistance (Page 3, Paragraphs 0021-0023)

With respect to claim 27 and incorporating all limitations of claim 17, wherein the method includes, in the computer device:

- (a) selecting an interaction mode (Page 2, Paragraph 0021-0022)
- (b) performing the interaction in accordance with the selected interaction mode (Page 2, Paragraph 0021-0022)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Sloane as modified by Dymetman, to generate the position of the sensing device relative to the interface surface in the computer system, as taught by Zimmerman, allow the processing to take place in the computer system as opposed to the sensing device in order to simplify the design of and decrease the size of the sensing device by eliminating the need for extra processing circuitry.

8. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane US 5,918,211 in view of Vogler et al. US 2003/0222141 A1.

Sloane fails to teach:

With respect to claim 31:

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- Wherein the coded data is indicative of an EPC associated with the product item

However, Vogler teaches:

With respect to claim 31 and incorporating all limitations of claims 1 and 17:

- Wherein the coded data is indicative of an EPC associated with the product item (Page 2, Paragraph 0022)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Sloane to encode the data using an ePC, as taught by Vogler, to uniquely identify objects by manufacturer, product class and serial number and to control the level of specificity of the ePC by masking the unwanted data fields (Page 2, Paragraph 0022).

9. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane US 5,918,211 in view of Paul et al. US 6,457,651 B2.

Sloane fails to teach:

With respect to claim 33:

- Wherein the coded data is redundantly encoded

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However, Paul teaches:

With respect to claim 33 and incorporating all limitations of claims 1 and 17:

- Wherein the coded data is redundantly encoded (Abstract)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Sloane to redundantly encode the data, as taught by Paul, to provide an increased amount of optically readable information without interfering with the conventional optical reading of the bar code (Abstract).

10. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane US 5,918,211 in view of Rubin et al. US 2003/0121978 A1.

Sloane fails to teach:

With respect to claim 34:

- Wherein the coded data is redundantly encoded using Reed-Solomon encoding

However, Rubin teaches:

With respect to claim 34 and incorporating all limitations of claims 1 and 17:

- Wherein the coded data is redundantly encoded using Reed-Solomon encoding (Page 5, Paragraph 0054)

11. Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Sloane to redundantly encode the data using Reed-Solomon encoding, as taught by Rubin, to allow for errors in the printing or reading of the code (Page 5, Paragraph 0054).

***Examiner's Note***

Examiner has cited particular column and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the Prior Art or disclosed by the Examiner.

***Allowable Subject Matter***

12. Claims 5 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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13. The following is an examiner's statement of reasons for allowance:

With respect to claim 5 and all its dependencies:

- Providing the product item list to the user in response to dissociation between the sensing device and the user

With respect to claim 20 and all its dependencies

- Providing the product item list to the user in response to dissociation between the sensing device and the user

The prior art of record fails to provide sufficient teaching or motivation to one of ordinary skill in the art to provide the additionally recited features of these claims in the combinations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristy A. Haupt whose telephone number is (571) 272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7/9/06

KAH

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